

## **ANALYSIS**

This ordinance amends Title 7 - Business Licenses, of the Los Angeles County Code to replace the license appeals board with a hearing officer, who shall be the Chief Administrative Officer or his or her designee.

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LAK:jb

5/6/05 (Requested)

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 7 - Business Licenses, of the Los Angeles County Code, relating to license appeals.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 7.10.190 is amended to read as follows:

**7.10.190 Decision after hearing - Notice to applicant.**

Unless the business license commission or license appeals ~~board~~ officer announces its decision at the close of the hearing. It shall notify the applicant or licensee thereof by first class registered mail, postage prepaid, return receipt requested.

**SECTION 2.** Section 7.10.390 is hereby amended to read as follows:

**7.10.390 Decision - Effect of appeal.**

The filing of an appeal to the license appeals ~~board~~ officer from any decision of the business license commission which grants, denies or revokes a license shall not operate to stay such decision of the business license commission unless so ordered by the license appeals ~~board~~ officer, ~~or any member thereof~~, upon a showing a good cause by affidavit, pending a hearing by the license appeals ~~board~~ officer; however, the filing of an appeal to the license appeals ~~board~~ officer from a decision of the business license commission which suspends, modifies or conditions a license shall operate to stay such decision of the business license commission.

**SECTION 3.** Section 7.12.010 is hereby amended to read as follows:

**7.12.010 License appeals board officer—~~Created~~—~~Membership~~.**

The license appeals board is created. The license appeals board shall consist of:  
officer shall be the Chief Administrative Officer or his or her designee.

~~A. One member designated by the probation officer;~~

~~B. One member designated by the county counsel;~~

~~C. The supervisor's chief deputy of each district.~~

**SECTION 4.** Section 7.12.020 is hereby deleted in its entirety, and is restated in its entirety to read as follows:

**7.12.020 Notice of appeal - Form and filing.**

Any person dissatisfied with any decision of the business license commission may, within 15 days after such decision is announced at the conclusion of the hearing, or otherwise within 15 days of receipt by the applicant or licensee of written notice of the decision, file with the executive assistant of the business license commission a notice of appeal to the license appeals officer. The notice shall be signed by the appellant or by his attorney, and shall be sufficient if it states in substance that the appellant appeals from a specified decision or a particular part thereof and states briefly the grounds upon which the appeal is taken.

**SECTION 5.** Section 7.12.030 is hereby deleted in its entirety, and is restated in its entirety to read as follows:

**7.12.030 License appeals officer - Notice, authorized actions and hearings.**

A. Within five days of receipt of the transcript or transcripts of all hearings held by the business license commission on the matter resulting in the decision from which the appeal is taken, the executive assistant of the business license commission shall transmit to the license appeals officer a copy of the notice of appeal filed pursuant to Section 7.12.030, all exhibits introduced in evidence before the business license commission, and one original and two copies of the transcript or transcripts of all testimony.

B. Within 30 days of receipt of the documents and transcripts required by Subsection A, above, the license appeals officer shall:

1. Take such action as, in his or her opinion, is indicated by such evidence; or
2. Refer the matter back with instructions to the business license commission for further proceedings; or
3. Schedule the matter for hearing.

C. Any action taken by the license appeals officer shall be in writing with appropriate notice to the business license commission. The executive assistant of the business license commission shall provide notice of such action to the appellant, applicant or licensee and all interested county departments.

D. In no case, however, shall any license be conditioned, modified, suspended or revoked by the license appeals officer unless the licensee shall have been granted a hearing before the license appeals officer.

E. If the license appeals officer grants a hearing, the executive assistant of the business license commission shall give not less than 10 days' written notice of the date, time and place of such hearing to the appellant, the applicant or licensee, and the sheriff. The license appeals officer at a hearing upon appeal may permit the introduction of, and consider, additional evidence, or such officer may at his or her option consider only the transcript of proceedings before the business license commission, together with any exhibits received in evidence during such proceedings. In either case, the license appeals officer may at his or her option hear and consider additional argument and points and authorities of law, and may require parties to submit such argument and points and authorities of law prior to rendering any decision.

**SECTION 6.** Section 7.12.040 is hereby deleted in its entirety, and is restated in its entirety to read as follows:

**7.12.040 Notice of appeal - Deposit of estimated costs.**

With every notice of appeal filed pursuant to this chapter, the appellant shall deposit with the executive assistant of the business license commission an amount which the executive assistant estimates to be ample to cover the cost of one original and two copies of the transcript or transcripts of all hearings held by the business license commission on the matter resulting in the decision from which the appeal is taken. For the purpose of this section, the costs shall be assumed to be the amount provided by law as fees of the county clerk for preparing such transcripts.

**SECTION 7.** Section 7.12.050 is hereby deleted in its entirety, and is restated in its entirety to read as follows:

**7.12.050 Notice of appeal - Accounting for funds.**

The executive assistant of the business license commission shall keep a permanent and accurate account of all deposits received on appeal from the business license commission, giving the name of the appellant upon whose account the same was deposited, the date and amount thereof, together with the number of the case to which they relate.

**SECTION 8.** Section 7.12.060 is hereby deleted in its entirety, and is restated in its entirety to read as follows:

**7.12.060 Deposits - Deficiencies and refunds.**

If the actual cost of the transcripts is more than the amount deposited by the appellant, such appellant shall be notified and shall deposit the deficiency with the executive assistant of the business license commission; if less, the executive assistant of the business license commission shall refund the difference to the appellant.

**SECTION 9.** Section 7.12.070 through 7.12.120, inclusive, are hereby deleted in their entirety.

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